

REMARKS

Claims 4, 6-15, 21-30, and 38-46 were pending as of the action mailed on September 27, 2007.

Claims 14, 29, and 38 are being amended for clarity. No claims are being cancelled or newly added. No new matter has been added. Support for the amendments to claims 14, 29, and 38 can be found within the applicant's specification at least at page 3, lines 4-11.

Reconsideration of the action is requested in light of the foregoing amendments and the following remarks.

Specification

The examiner objected to the specification for allegedly failing to provide proper support for the claimed subject matter. Specifically, the examiner objected to the language "computer readable medium" recited in claims 21, 22, 29, and 38, as "[lacking] antecedent basis in the specification" (page 2 of the Office Action mailed September 27, 2007). The applicant respectfully disagrees.

The applicant respectfully submits the specification indicates that "the invention includes a computer program product to accomplish the extraction and other aspects described above" (specification, p.2, lines 13-14). Additionally, the specification indicates that "a computer program to edit images enables a user to select components of a distortion..." (specification, p. 3, lines 27-28). The specification clearly supports a computer program product (which as noted by the examiner on page 2 of the Office Action mailed September 27, 2007 "is effectively a computer program").

The applicant submits that it is well known that computer program products are manufactured and distributed upon computer readable media. Moreover, the applicant respectfully submits that commonly known features (e.g., computer program products embedded upon computer readable media), do not need to be explicitly recited. Therefore, as the specification clearly supports computer program products, and as computer program products are well known to exist on computer readable media, the applicant submits that the specification provides proper antecedent basis for the "computer readable medium" language found in claims 21, 22, 29, and 38.

Withdrawal of the objection to the specification is therefore respectfully requested.

Section 101 Rejections

Claims 21-30, 38-39, and 44-46 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the examiner asserted that independent claims 21, 22, 29, and 38 and dependent claims 23-28, 30, 39, and 44-46 claim “a ‘computer program product’ which is effectively a computer program.” The applicant respectfully disagrees.

As noted above, the applicant respectfully submits that the specification clearly supports computer program products stored on computer readable media. The applicant further submits that MPEP § 2106.01 clearly advises that “a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.”

Claims 21, 22, and 29 recite “a computer program product, disposed in a computer readable medium”. Claim 38 recites “a computer program product having instructions stored in a computer readable medium”. Thus, the applicant submits that claims 21, 22, 29, and 38 recite statutory subject matter. Claims 23, 24, and 44-46 depend from claim 22. Claims 25-28 depend from claim 21. Claim 30 depends from claim 29. Claim 39 depends from claim 38. The dependent claims satisfy the requirements of 35 U.S.C. § 101 for at least the same reasons as their respective independent claims.

Withdrawal of the rejection under 35 U.S.C. § 101 is therefore respectfully requested.

Section 103 Rejections

Claims 14, 15, 29-30, and 38-39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over “Animating Direct Manipulation Interfaces”, November 14-17, 1995 (“Thomas”) in view of U.S. Patent No. 6,791,574 (“Hoch”).

Claim 14

Claim 14 has been amended for clarity. Specifically, claim 14, as amended, requires selecting at least one area of a first image which relates to an area on a distortion grid, where the selected area of the first image includes a distortion. Claim 14 additionally requires extracting at least one component of the distortion and applying the at least one component to a second area of the first image.

In rejecting this claim, the examiner relies on FIG. 3 in Thomas to teach selecting an area on a distortion grid, extracting a component of the distortion, and applying the component to a second area in the image. The applicant respectfully submits that FIG. 3 in Thomas illustrates a scaling operation that shows the use of “an effect that suggests that all corners are simultaneously under control of the mouse” (Thomas, p.5). Thus, though Thomas teaches a scaling operation, the application of the scaling operation affects several areas (all corners) of an image at the same time. As shown in FIG. 3, each area (each corner) is affected differently when the scaling operation is applied. In contrast, claim 14 requires the application of the same existing distortion component each time the distortion component is applied. Thus, each application of the selected distortion component produces the same effect.

Moreover, the applicant submits that Thomas simply teaches generating a distortion for the image, which is not manipulating an existing distortion through extraction of an existing distortion component and application of that same existing distortion component to some other portion of the image as required by claim 14.

Additionally, the applicant respectfully submits that Hoch does not teach or suggest selecting at least one area of a first image which relates to an area on a distortion grid, where the selected area of the first image includes a distortion. Hoch also does not teach or suggest extracting at least one component of the distortion and applying the at least one component to a second area of the first image. Thus, the combined teachings of Thomas and Hoch do not teach or suggest all the features required by claim 14.

The applicant respectfully submits that claim 14 is in condition for allowance.

Claims 29 and 38

Claims 29 and 38 include features corresponding to those of claim 14 and were rejected for the same reasons. Therefore, claims 29 and 38 are allowable for the same reasons as set forth above with respect to claim 14.

Remaining Claims

Claim 15 depends from independent claim 14 and is allowable for at least those reasons that apply to claim 14. Claim 30 depends from independent claim 29 and is allowable for at least those reasons that apply to claim 29. Claim 39 depends from independent claim 38 and is allowable for at least those reasons that apply to claim 38.

Withdrawal of the rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

Allowable Subject Matter

In the Office Action mailed September 27, 2007, the examiner allowed claims 4, 6-13, and 40-43. The applicant thanks the examiner for the identification of allowable subject matter.

Drawings

The applicant respectfully requests that the Examiner indicate that the drawing sheets 1-4 (FIGS. 1-4) filed on November 28, 2001, are acceptable.

Conclusion

The applicant respectfully requests that all pending claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

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Respectfully submitted,

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